

Sec. 6.1200. (DO) DOWNTOWN OVERLAY.**Sec. 6.1201. Purpose.**

The primary purpose of the downtown overlay district is to create new opportunities for the development or expansion of properties that do not have (D) downtown zoning. The (DO) downtown overlay also provides additional regulations for properties with and without downtown zoning. Specific objectives of the downtown overlay include:

- A. Simplify parking regulations to ease the downtown development process.
- B. Provide incentives for new buildings, remodels, for buildings with new tenants, or for building area expansions of smaller downtown businesses.
- C. Allow for more residences in downtown.
- D. Maintain a mixture of land uses to keep downtown vital in the day and night.
- E. Minimize the impact of bars, after hours establishments, tattoo and related businesses and other similar uses on neighboring properties.
- F. Enhance the nature of downtown by encouraging uses that cater to all ages and by requiring greater oversight of potentially detrimental uses.
- G. Assure consistent regulation of design and architecture throughout downtown.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1202. Conflict with other sections.

Where there is conflict between these (DO) downtown overlay district provisions and other sections of the Zoning Ordinance, these district regulations (Sections 6.1200 through 6.1209) shall govern development within the (DO) downtown overlay district.

Properties with (D) downtown district zoning shall not be subject to these (DO) downtown overlay district regulations except for the following requirements: regulation of bars/nightclubs, after hours establishments, regulation of tattoo and related businesses, provision of parking, and parking waivers.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1203. Definitions.

Tattoo and related businesses: shall include the following services for the human body: tattooing, branding, scarification and piercing. Piercing of the ears and tattoos used for permanent makeup for the face shall not be considered tattoo and related businesses.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1204. Approvals required.

No structure except a detached single-family dwelling shall be built or altered without Development Review Board approval to be obtained as prescribed in Article I, Section 1.900. All

development shall be consistent with the City's Urban Design and Architectural Guidelines.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1205. Land use standards.

A. Land uses that are regulated through the (DO) downtown overlay are shown in Schedule A. Land uses that are not listed in schedule a are regulated by the underlying zoning categories. Land uses that are regulated by the (DO) downtown overlay are allowed at the following levels of permitted activity:

TABLE INSET:

"P"	Permitted without conditions.
"L"	Permitted with limitations to size or use characteristics as described in land use classifications (Section 6.1206)
"CU"	Permitted with a Conditional Use Permit
"N"	Not permitted

Schedule A Land Use Regulation For The (DO) Downtown Overlay District

TABLE INSET:

Use classifications	
Residential	
Multifamily residential (3)	P
Single-family residential (1)	L
Commercial	
After hours establishments. (see sec. 1.403 for criteria)	CU
Bars (2) , except for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning. (see sec. 1.403 for criteria)	CU
Bars (2) , for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning.	N
Drive-through and drive-in restaurants	N
Tattoo and related businesses, except for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning. (see sec. 6.1205.B. for criteria)	CU

Tattoo and related businesses, for properties with (R-5) Multiple-family Residential District and (S-R) Service Residential zoning	N
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(1) Cannot occupy more than twenty-five (25) percent of the first-floor floor area and cannot be located along street frontages on the first floor.

(2) Commercial use classification as set in Sec. 6.1206.B.2.

(3) Shall not occupy the first floor in Special District Type 1 areas as designated in the Downtown Plan Urban Design and Architectural Guidelines Map of Special Districts and identified by Figure 6.1.

FIGURE 6.1 SPECIAL DISTRICTS TYPE 1 AREAS AS DESIGNATED IN THE DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP OF SPECIAL DISTRICTS.

GRAPHIC LINK: [Figure 6.1](#)

B. Uses permitted by Conditional Use Permit under this section shall meet the use permit criteria as specified in Section 1.400 Conditional Use Permits and the following additional criteria:

1. Tattoo parlors and related businesses.
 - a. Shall comply with all applicable state and county regulations.
 - b. No other tattoo parlor shall be located within one thousand (1,000) feet of the proposed tattoo parlor use.
 - c. The proposed tattoo parlor use shall not be located within five hundred (500) feet of property zoned R-1 OR S-R.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1206. Land use classifications.

A. *Residential use classifications.*

1. Multifamily residential: Two (2) or more dwelling units on a lot.
2. Single-family residential: One (1) dwelling unit on a lot.

B. *Commercial use classifications.*

1. After hour establishments.
2. Bar and cocktail lounges.

Taverns, nightclubs and lounges shall be classified as bars if they meet the definition.

3. Restaurant.
4. Tattoo and related businesses.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1207. Site development standards.

A. For municipal uses that require a Municipal Use Master Plan, the City Council may

modify the property development standards of the underlying zoning district.

B. Schedule B prescribes development standards applicable to the (DO) downtown overlay district. References in the additional regulations column refer to regulations located elsewhere in the Zoning Ordinance.

Schedule B Site Development Standards

TABLE INSET:

I. Development requirements within the (DO) Downtown Overlay (all non (D) Downtown zoned zoning districts)			Additional regulations
1.	Floor area ratio (FAR)	0.8	
	A. FAR bonus maximum	0.5	Section 6.1209
	Total maximum FAR (excluding residential)	1.3	
2.	Building Volume	No maximum	
3.	Open Space	None required and the site development shall demonstrate conformance to the Downtown Plan Urban Design and Architectural Guidelines.	

TABLE INSET:

II. Site requirements within (DO) Downtown Overlay (all zoning districts)			
1.	Minimum site area	None required	
2.	Minimum front building setback	16 feet from planned curb	Sections 6.1207.C.2 and 6.1207.C.3.
3.	Minimum interior side building setback	None.	
4.	Minimum corner side building setback	16 feet from planned curb	
5.	Minimum rear building setback	Minimum of 50 feet when adjacent to single-family residential districts, and minimum of 25 feet when adjacent to multi-family residential districts. No minimum in all other instances except as required for off-street loading and trash storage.	

TABLE INSET:

III. Building design requirements (all non-(D) downtown zoned zoning districts)		Properties with (S-R) Service Residential zoning	All other zoning districts
1.	Height maximum (all uses)	26 feet	36 feet
2.	Building envelope, starting at a point 26 feet above the building setback line, the inclined stepback plane slopes at:	Does not apply	2:1 on the front, and 1:1 on the other sides of a property

TABLE INSET:

IV. Residential density (all zoning districts)	
1.	Maximum residential density
	23 dwelling units per gross acre

C. Additional regulations.

1. Spacing between two (2) buildings on the same site shall be not less than ten (10) percent of the larger building's two (2) longest adjacent sides at the space (e.g. Front and side).
2. Where existing setbacks on forty (40) percent or more of a block face are less than the specified setback, the required setback on a site to be developed shall be the average setback of the developed portion of the block face. Section 7.201 (adjustment of front yard requirements) shall not apply.
3. Buildings fronting on Camelback Road, Indian School Road, and on Scottsdale Road north from Camelback Road and south from Osborn Road to the Downtown Overlay district boundary, shall be setback forty (40) feet from the planned curb line. Buildings fronting on Drinkwater Boulevard and Goldwater Boulevard shall be setback thirty (30) feet from the planned curb line. The regulations of section 5.3062 shall also apply to these front setbacks.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1208. Parking regulations.

The provisions of Article IX shall apply except for the following provisions:

TABLE INSET:

COMMERCIAL/RETAIL SERVICE USES	PARKING SPACES REQUIRED
Banks/financial/civic offices	One (1) space per three hundred (300) square feet of gross floor area.
Bars, taverns, nightclubs, lounges	One (1) space per eighty (80) square feet of gross floor area. One (1) space per two hundred (200) square feet of outdoor public floor area, excluding the first two hundred (200) square feet.
Establishments with live	One (1) space per eighty (80) square feet of gross floor area, plus one (1) space which is available to the live entertainment establishment between 8:00 p.m. and 2:00 a.m. per twenty-five (25) square feet of gross

entertainment	floor area.
Freestanding stores	One (1) space per three hundred (300) square feet of gross floor area.
Office, business and professional services	One (1) space per three hundred (300) square feet of gross floor area.
Personal services	One (1) space per three hundred (300) square feet of gross floor area.
Restaurants	One (1) parking space for each one hundred and twenty (120) square feet of gross floor area. One (1) space for each three hundred fifty (350) square feet of outdoor public floor area. Exclude the first three hundred fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded.
Restaurants that serve breakfast and lunch only	One (1) parking space for each two hundred fifty (250) square feet of gross floor area. One (1) space for each three hundred fifty (350) square feet of outdoor public floor area. Exclude the first three hundred fifty (350) square feet of outdoor public floor area, unless the space is located next to and oriented toward a publicly owned walkway, in which case the first five hundred (500) feet of outdoor public floor area is excluded.
Live performing arts theaters	One (1) parking space per ten (10) seats.
All other uses	As specified in Article IX.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

Sec. 6.1209. Revitalization bonus/incentive provisions.

A. *Purpose:* the bonus provisions make available incentives for private sector participation in pursuing revitalization of downtown properties.

B. *Bonus:* the development review board may approve a bonus of up to 0.5 floor area ratio when it is demonstrated that:

1. The bonus is for retail, office and personal services uses allowed in the underlying district.
2. Existing structures on the property are renovated or remodeled in conjunction with the bonus new buildings, remodels, for buildings with new tenants, or for building area expansion.
3. That a new building is being constructed.

C. *Process for bonus floor area or bonus FAR:*

1. An application for bonus floor area shall be submitted with the application for Development Review, and shall include appropriate documents and identify features of the project that qualify for the bonus floor area. As with properties rezoned to Downtown, the bonus shall equal the total floor area on the site, determined on the basis of space used, but shall not exceed the maximum permitted by the FAR ratios in Section 6.1207, Schedule B. In large projects with bonus floor area for residential space, each phase of construction must contain an equal proportion of residential and non-residential space, unless the Current Planning Services Director finds that requirement is infeasible because of the building design. The height and floor area ratio bonuses shall not apply to

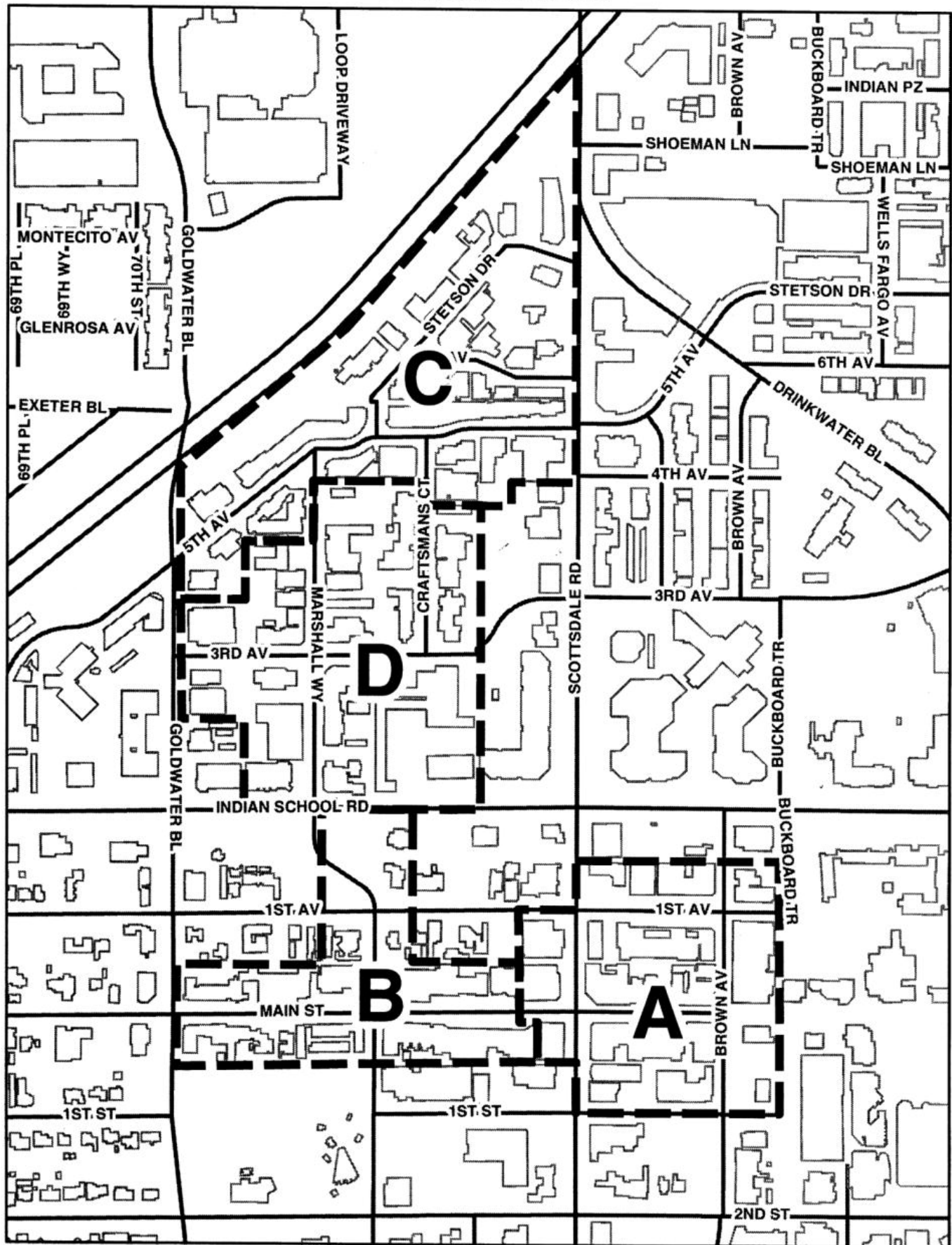
specialized health care facilities and minimal health care facilities.

2. Approval for FAR greater than allowed by the ordinance: the City Council shall have the authority to review and consider a request to exceed the maximum FAR allowed in Section 6.1207, Schedule B upon finding that the increased FAR is appropriate and compatible with the surrounding area. Requests shall be subject to all public notice and community involvement requirements pertinent to the public hearing process of Section 1.702.

3. This bonus shall be available on a cumulative basis. The application for bonus floor area ratio after the first application, and any subsequent application thereafter, shall contain the documentation of any previous approvals and shall include analysis of how the cumulative total 0.5 bonus far is not being exceeded.

(Ord. No. 3520, § 1, 7-1-03; Ord. No. 3543, § 1(Exh. 1), 12-9-03)

FIGURE 6.1 SPECIAL DISTRICTS TYPE 1 AREAS AS DESIGNATED IN THE
DOWNTOWN PLAN URBAN DESIGN AND ARCHITECTURAL GUIDELINES MAP
OF SPECIAL DISTRICTS



Special Districts

A. OLD TOWN

B. WEST MAIN

C. FIFTH AVENUE

D. MARSHALL WAY-CRAFTSMAN'S COURT